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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,367	12/21/2001	Koh Tajima	P 284159 USP01B14/00P0036	6514

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EXAMINER

SPISICH, GEORGE D

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,367

Applicant(s)

TAJIMA ET AL.

Examiner

George D. Spisich

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 14, "on the front side of the lower side" is unclear. From the Figures, it does not appear that there is a front side on the airbag where the gas inlet port is arranged. Examiner suggests not referring to the area as a "front side". A possible suggestion is to recite "on a forward portion of a lower side".

In claim 3, lines 5-6, "within the range on the front side" is unclear. Again, it is unclear to claim a "front side" and also, "within a range" is unclear.

Claim 7, line 4, is unclear. More specifically "the substantially intermediate portion" should be - - an intermediate portion - -.

Claim 7, line 7, is unclear. It is unclear what is being claimed with the word "it". Is this the "intermediate portion", or the "gas inlet port"? Or is there another relationship being claimed. It is unclear how this claim language (in claim 7, line 4 and 7) would relate to applicant's invention.

Art Unit: 3616

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Okada et al. (USPN 6,439,606).

Okada et al. disclose a passenger's seat airbag device comprising an airbag folded and housed in a case for being inflated and protruded backward of a vehicle while pushing and opening a door arranged in an instrument panel, by introducing an inflating gas thereinto from a gas inlet port. The airbag, when completely extended/inflated, comprises a passenger's side wall portion (38) arranged on the passenger's side and generally in a vertical direction, a peripheral wall portion converging generally into a "conical" shape from the outer peripheral edge of the passenger's side wall portion forward of the vehicle.

Since the figures show crease lines in the peripheral wall portion, the term "conical" in the specification is a loose description. The conical airbag of applicant's invention is interpreted to have sides that make up the peripheral wall as Okada et al.

Art Unit: 3616

The gas inlet port (15) is arranged as an open face on the front wide of the lower side of the peripheral wall portion when the airbag is completely extended/inflated. The gas inlet port is mounted at its peripheral edge on the case (see Fig. 7) and the airbag "is so shape when preliminarily folded" that a portion "near the upper edge" of the passenger's side wall portion is arranged at a position to confront the gas inlet port to lay the passenger's side wall portion flatly on the lower side of the peripheral wall portion.

With respect to the last paragraph in Claim 1 and in claim 2, "when preliminarily folded" does not serve to distinguish as the folded airbag is not positively recited. Okada et al. in at least Figs. 2, 3, 5 and 6 shows the airbag folded as in the present invention. Proper wording would be as claimed in subsequent claims which is "the preliminarily folded shape" and not including "when".

When the airbag is preliminarily folded, the peripheral wall portion is folded up to extend substantially all the area of the passenger's side wall portion flatly.

In the preliminarily folded shape of the airbag, the portion of the peripheral wall portion on the upper side of the gas inlet port is folded up within the range on the front side from the vicinity of the rear edge of the gas inlet port.

In the preliminarily folded shape of the airbag, the vicinity of the substantially intermediate portion of the lower side of the peripheral wall portion between the gas inlet port and the passenger's side wall portion lower edge is so folded in that "it" is arranged close to the lower edge of the passenger's side wall portion and near the rear end of the peripheral wall portion of the side of the passenger's side wall portion.

Art Unit: 3616

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (USPN 6,439,606) in view of JP5-305851.

Okada et al. has been discussed in the previous rejection.

Okada et al. show an airbag is folded near the joint of the upper edge of the passenger's side wall portion to form valley creases in the transverse direction (see Fig. 2B). However, Okada et al. does not show peripheral wall portions being folded in on the left and right side of the gas inlet port to form valley creases in the longitudinal direction.

The airbag of Okada et al. is disclosed to have the same shape as Applicant's invention and therefore could be folded as Applicant's is claiming.

JP'851 shows a passenger airbag with the sides of the airbag being folded inwardly to create valley creases in the longitudinal direction.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to fold the airbag of Okada et al. in the manner as taught by JP'851 in order to provide a compact passenger airbag that inflates efficiently. This way of

Art Unit: 3616

folding would establish relationships between the various structures of Okada et al. as is claimed in 4-6 and 8.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tonooka (USPN 6,129,382), JP2002-187515, Keshavaraj (USPN 6,299,206), Maruyama (USPN 5,593,179), Satoh (USPN 5,140,799), Bito et al. (USPN 5,865,467), Ono et al. (USPN 6,478,332), Ross (USPN 6,017,058), Keshavaraj (USPN 5,855,393), Rogers (USPN 5,478,113), Oka et al. (USPN 4,010,055), Oka et al. (USPN 4,003,588), Amamori (USPN 6,168,203), Ford et al. (USPN 5,975,571), Yamaji et al. (USPN 5,316,337), JP5-305852, JP2001-63508.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (703) 305-6495. The examiner can normally be reached on Monday to Friday 6:00-3:30 except alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

Application/Control Number: 10/024,367

Page 7

Art Unit: 3616

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-1113.

Gds
September 29, 2003

Paul N. Dickson 9/30/03
PAUL N. DICKSON
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